

**FILED**

DEC 12 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA  
By JWS Deput

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

USA v. C. Rainey, D. Tolbert, & D. StevensCASE NO. A05-0108 CR (JWS)TO: JUDGE SEDWICK

RE: Trial set by MO at docket 73

The Court finds excludable delay, under the section indicated by check (X) commenced on 2/9/06 and ended on 2/13/06, for a total of 5 days.

## SECTION 3161

## DELAY CODE

-	(h)(1)(A)	Exam or hearing for mental or physical incapacity (18 U.S.C. § 4244).	A
-	(h)(1)(B)	NARA Exam (28 U.S.C. § 2902)	B
-	(h)(1)(D)	State or Federal trials or other charges.	C
-	(h)(1)(E)	Interlocutory appeals.	D
-	(h)(1)(F)	Pretrial Motions (from filing to hearing or other prompt disposition).	E
-	(h)(1)(G)	Transfers from other districts (per Fed.R.Crim.P. 20, 21, & 40).	F
-	(h)(1)(J)	Proceeding under advisement, not to exceed 30 days.	G
-		Miscellaneous proceedings: Parole or probation revocations, deportation, extradition.	H
-	(h)(1)(C)	Deferral of prosecution under 28 U.S.C. § 2902.	5
-	(h)(1)(H)	Transportation from another district or to/from examination or hospitalization in ten days or less.	6
-	(h)(1)(I)	Consideration by Court of proposed plea agreement.	7
-	(h)(2)	Prosecution deferred by mutual agreement.	L
-	(h)(3)(A)(B)	Unavailability of defendant or essential witness.	M
-	(h)(4)	Period of mental or physical incompetence of defendant to stand trial.	N
-	(h)(5)	Period of NARA commitment or treatment.	O
-	(h)(6)	Superseding indictment and/or new charges.	P
<u>X</u>	(h)(7)	Defendant awaiting trial of co-defendants when no severance has been granted.	R
-	(h)(8)(A)(B)	Continuances granted per (h)(8) - use "T" alone if more than one of the reasons below are given in support of continuance.	T
-	(h)(8)(B)(i) 1)	Failure to continue would stop further proceedings or result in miscarriage of justice.	T1
-	(h)(8)(B)(ii) 2)	Case unusual or complex.	T2
-	(h)(8)(B)(iii) 3)	Indictment following arrest cannot be filed in 30 days.	T3
-	(h)(8)(B)(iv) 4)	Continuance granted in order to obtain counsel, substitute counsel, or give reasonable time to prepare.	T4
-	(i)	Time expired for withdrawal of guilty plea.	U
-	(b)	Grand Jury indictment time extended 30 more days.	W

Date: December 9, 2005 Judicial Officer Signature: 